

concept of 'depositing any polymer by HDP'" in order to benefit from the priority of its great grand-parent application. (Office Action dated 3/15/02 at p. 2 (emphasis in original).) However, the authority cited by Examiner for requiring Applicants' demonstration addresses a "*claim drawn to a genus*" (emphasis added) and would therefore appear to depend on the genus addressed in particular claim language. (66 Fed. Reg. 1106 (Jan. 5, 2001).) As a result, it is unclear what the Examiner is referring to when discussing "today's broad genus," especially when the phrase "depositing any polymer by HDP" does not appear in any of the pending claims. One claim with similar language is claim 39, which requires providing a high-density plasma and forming a polymer using that plasma. The disclosed representative species that support (but do not limit) that claim are discussed below.

Concerning providing a high density plasma, pages 5-6 of the Specification provide a plurality of examples of plasma chambers that may be used, a range of exemplary process pressures, a range of plasma densities, a plurality of power source examples, a plurality of feed gas examples, a range of exemplary flow rates for the gases, a range of exemplary power levels for both the source and bias components of a chamber, and a range of exemplary process times. Thus, particular parameter values or alternative materials/components may be chosen for each of the variables listed above and combined with particular choices for the other variables. The result is disclosure of a great number of combinations that serve as examples for providing a high density plasma.

Moreover, the Specification excerpt cited above discloses that the parameters addressed therein cause an etch resistant material, such as a polymer, to be formed. (Specification at p. 5, ln. 17-18; p. 6, ln. 13-14.) As for the types of polymer, the Specification, as amended in the Preliminary Amendment, discloses that the plasma-deposited material can comprise polymers including (but not limited to) carbon and either a halogen and/or hydrogen or various other materials.

Therefore, Applicants submit that the Specification's disclosure of (1) the numerous combinations allowed by the process parameter ranges and material/device alternatives, and (2) the variety of polymers satisfy the requirement of disclosing a reasonable number of species representing the relevant genus (without limiting the claims

to those species). Accordingly, Applicants request that the Examiner withdraw of these rejections and give the current application the benefit of the priority date of the great grand-parent application.

## II. Rejection of claims under §102

The Examiner rejected claims 1-8, 10-14, 19, 23-24, 29-32, and 36-43 as being anticipated by Robles (U.S. Patent No. 5,804,259). However, Robles was filed Nov. 7, 1996. As established in part I above, the current application benefits from the priority date of its great grandparent application – filed June 2, 1995. Hence, Robles cannot be considered prior art under §102(b).

## III. Rejection of claims under double patenting

The Examiner rejected claims 1-8, 10-14, 19, 23-24, 29-32, and 36-43 under obviousness type double patenting in light of Robles and a Figura reference not specified by the Examiner. As indicated in part II, Robles was filed Nov. 7, 1996 and the current application enjoys a priority date of filed June 2, 1995. Hence, Robles cannot be considered prior art; and the obviousness rejection, being dependent upon that reference, fails.

## Conclusion

In light of the above amendments and remarks, Applicants submit that claims 1-8, 10-14, 19, 23-24, 29-32, and 36-43 are allowable over the applied references and in light of the statutory requirements. Therefore, Applicants respectfully request reconsideration of the Examiner's rejections and further request allowance of all of the pending claims. Please address further correspondence with this application to: Charles B. Brantley, II,

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